

## Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (34)(h), of the Instruction, an “Environmental Analysis Check List” is not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

2. From 9 a.m. to 4 p.m. on September 24, 2006, add a temporary § 100.35–T05–057 to read as follows:

#### § 100.35–T05–057 Bogue Sound, Morehead City, North Carolina.

(a) *Regulated area.* The regulated area is established for the waters of Bogue Sound, adjacent to Morehead City, NC, from the southern tip of Sugar Loaf Island approximate position latitude 34°42′55″ N longitude 076°42′48″ W, thence westerly to Morehead City Channel Daybeacon 7 (LLNR 38620), thence southwest along the channel line to Bogue Sound Light 4 (LLRN 38770), thence southerly to Causeway Channel Daybeacon 2 (LLNR 38720), thence southeasterly to Money Island Daybeacon 1 (LLNR 38645), thence easterly to Eight and One Half Marina Daybeacon 2 (LLNR 38685), thence easterly to the western most shoreline of Brant Island approximate position latitude 34°42′36″ N longitude 076°42′11″ W, thence northeasterly

along the shoreline to Tombstone Point approximate position latitude 34°42′14″ N longitude 076°41′20″ W, thence southeasterly to the east end of the pier at Coast Guard Sector North Carolina approximate position latitude 34°42′00″ N longitude 076°40′5″ W, thence easterly to Morehead City Channel Buoy 20 (LLNR 29427), thence northerly to Beaufort Harbor Channel LT 1BH (LLNR 34810), thence northwesterly to the southern tip of Radio Island approximate position latitude 34°42′22″ N longitude 076°40′52″ W, thence northerly along the shoreline to approximate position latitude 34°43′00″ N longitude 076°41′25″ W, thence westerly to the North Carolina State Port Facility, thence westerly along the State Port to the southwest corner approximate position latitude 34°42′55″ N longitude 076°42′12″ W, thence westerly to the southern tip of Sugar Loaf Island the point of origin. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector North Carolina.

(2) *Official Patrol* means any person or vessel assigned or approved by Commander, Coast Guard Sector North Carolina with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* includes all vessels participating in the “Crystal Coast Super Boat Grand Prix” under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector North Carolina.

(c) *Special local regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area must: (i) Stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol.

(iii) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

(d) *Enforcement period.* This section will be enforced from 9 a.m. to 4 p.m. on September 24, 2006.

Dated: May 27, 2006.

**Larry L. Hereth,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### RIN 1018–AU11

### Endangered and Threatened Wildlife and Plants; Proposed Special Rule Pursuant to Section 4(d) of the Endangered Species Act for the Pacific Coast Distinct Population Segment of the Western Snowy Plover

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are extending the public comment period on the proposed special rule for the threatened Pacific Coast distinct population segment of the western snowy plover (*Charadrius alexandrinus nivosus*). Comments previously submitted need not be resubmitted as they have been incorporated into the public record and will be fully considered in the final determination.

**DATES:** The public comment period for the proposed special rule published on April 21, 2006 (71 FR 20625) is extended to August 21, 2006. Any comments received after the closing date may not be considered in the final decision on the proposal.

**ADDRESSES:** You may submit comments and other information, identified by Attn: WSP–4(d), by any of the following methods:

- *Mail or hand delivery/courier:* Field Supervisor, Arcata Fish and Wildlife Office, U.S. Fish and Wildlife Service, 1655 Heindon Road, Arcata, California 95521.

- *Fax:* 707–822–8411.

- *E-mail:* [fw8snowyplover@fws.gov](mailto:fw8snowyplover@fws.gov).

See Public Comments Solicited section below for file format and other information about electronic filing.

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Comments and materials received for this rule will be available for public inspection, by appointment, during normal business hours at the Arcata Fish and Wildlife Office at the above

address after the close of the comment period. Call 707-822-7201 to make arrangements.

**FOR FURTHER INFORMATION CONTACT:** Jim Watkins, Biologist, at the Arcata Fish and Wildlife Office (see **ADDRESSES** section), or via e-mail at [jim\\_h\\_watkins@fws.gov](mailto:jim_h_watkins@fws.gov); telephone 707-822-7201; fax 707-822-8411.

#### Public Comments Solicited

If you wish to comment, you may submit your comments and materials concerning the proposed special 4(d) rule by any one of several methods (see **ADDRESSES** section). Please submit Internet comments to [fw8snowyplover@fws.gov](mailto:fw8snowyplover@fws.gov) in ASCII file format and avoid the use of special characters and any form of encryption. Please also include "Attn: WSP-4(d)" in your e-mail subject header and your name and return address in the body of your message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly by calling the person listed under **FOR FURTHER INFORMATION CONTACT**.

Our practice is to make comments, including names and home addresses of

respondents, available for public review during regular business hours. Commenters may request that we withhold their home addresses from the rulemaking record, which we will honor to the extent allowed by law. There also may be circumstances in which we would withhold from the rulemaking record a commenter's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 21, 2006, the Service published a proposed special rule (71 FR 20625) under section 4(d) of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) to promote the conservation of the Pacific Coast distinct population segment of the western snowy plover. The proposed

special rule opened a 60-day public comment period, which was to end on June 20, 2006, on that action. Also on April 21, 2006, we published our not-warranted 12-month finding (71 FR 20607) on a petition to delist the Pacific Coast population of the western snowy plover. We have received requests from the public to view our records associated with the 12-month finding to help in their review of the proposed special 4(d) rule. To ensure that the public has sufficient opportunity to review the requested records, we are extending the comment period for the proposed special rule published on April 21, 2006, at 71 FR 20625, for an additional 60 days. Comments on the proposed special rule will be accepted through Monday, August 21, 2006.

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: June 14, 2006.

#### Matt Hogan,

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

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